

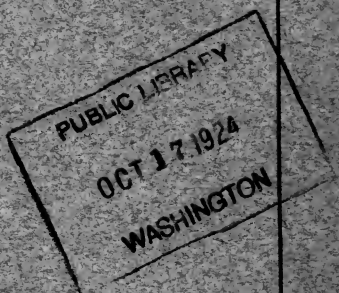
DEPARTMENT OF WEIGHTS
MEASURES AND MARKETS
OF THE DISTRICT OF COLUMBIA

GEO. M. ROBERTS - - SUPERINTENDENT

ANNUAL REPORT

FOR THE FISCAL YEAR
ENDED JUNE 30

1924



WASHINGTON
GOVERNMENT PRINTING OFFICE
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LETTER OF TRANSMITTAL

AUGUST 30, 1924.

To the Commissioners of the District of Columbia:

I respectfully submit the following report covering the operations of the Department of Weights, Measures, and Markets of the District of Columbia for the fiscal year ended June 30, 1924.

GEO. M. ROBERTS,
Superintendent.

ANNUAL REPORT
OF THE
DEPARTMENT OF WEIGHTS, MEASURES, AND
MARKETS OF THE DISTRICT OF COLUMBIA

SCOPE OF DUTIES OF DEPARTMENT

The scope of duties of the Department of Weights, Measures, and Markets of the District of Columbia is much broader than that of most State and municipal departments of similar character.

The act of Congress under which the department operates, and from which it derives its authority, is much more comprehensive than are the laws on the subject operating in many other jurisdictions.

The functions of the department are by no means limited to the work of testing weighing and measuring equipment and the prevention of sales of commodities by short weight or measure. The law contains about 50 provisions regulating the methods of transacting business. The enforcement of these provisions is obligatory and is the most important work of the department.

While it is desirable to require merchants, manufacturers, and other persons engaged in trade to employ instruments which register accurately for the purpose of determining quantities they deliver, that alone is not enough to protect the public against fraud on the one hand or to prevent unfair and dishonest competition on the other. The District weights and measures statute is intended to accomplish both of the aforementioned results, and it therefore undertakes to prevent many sharp practices often resorted to in trade.

It rigidly regulates the methods which shall be employed in transactions between buyer and seller.

It contains comprehensive provisions regarding the sale of the prime necessities of life, including milk, ice, bread, coal, wood, gasoline, and other commodities, regulates the method of preparing sales and delivery tickets, requires the furnishing of such tickets to purchasers when requested, provides that all package foods shall bear an accurate declaration of quantity, fixes standards to which containers used in packing and sale of numerous commodities shall conform, the manner in which same shall be filled, and numerous other wholesome stipulations.

The provisions mentioned conform to good business ethics and practices, tend to confine business of merchandising to legitimate channels of trade, to promote efficiency in business, and to stabilize and reduce prices of commodities which consumers must have. The law in many respects is as beneficial to honest merchants and manufacturers as it is to consumers.

The prime purpose is, of course, to afford protection to purchasers, who are necessarily not in position to fully protect themselves in the thousands of large and small transactions made daily

in the course of trade. While the protection against unfair competition which the law affords honest business is in some degree incidental it is valuable, nevertheless. Some business men do not seem to possess the faculty to realize the benefits, but that does not destroy the facts. It is well known that honest business can not prosper as it deserves in the face of dishonest competition.

The law not only makes it the duty of the superintendent and his employees to enforce its provisions to the best of their ability but it grants to them the exclusive authority to do so.

It is manifest, therefore, that the 500,000 consumers of Washington are dependent, to a large extent, upon the proper functioning of this department for protection against fraud and deception, and that upright business men are also dependent upon it for protection against unfair methods on the part of competitors. Any attempt, therefore, to hamper, frustrate, or interfere with the work prescribed for the department, or prevent enforcement of the law, either directly or indirectly, is not only contrary to the public welfare, but is also detrimental to the business interests of the District.

While the law is penal in form, it is, nevertheless, largely corrective in nature and can best be enforced by the exercise of broad-minded and educational methods. Conditions for carrying forward the work have not been favorable in every particular, but the duties have been performed with fidelity to the public welfare, and the District of Columbia stands now in front rank among the States and municipalities of the country with respect to regulations of the nature referred to.

ESTABLISHMENTS SUPERVISED

There are 4,764 mercantile and other establishments in the District which fall within the purview of the weights and measures law, and over which the department is charged with the duty of exercising some form of supervision. The department also has registered 1,580 transient venders of various commodities. Close observation of transactions in which transient venders engage is necessary. Some of them, as well as some merchants, possess highly cultivated talents in the art of trickery and deception.

CLASSIFICATION OF BUSINESSES

Following is a condensed classification of businesses and number of establishments visited during the year:

Groceries and similar foods.....	1,922
Meats and poultry.....	361
Fruits and vegetables.....	185
Bakeries and bakery products.....	127
Restaurants and hotels.....	124
Hardware.....	145
Dry goods and department stores.....	248
Druggists and pharmacists.....	238
Garages and gasoline stations.....	312
Automobile supplies.....	19
Delicatessens and confectioners.....	404
Fish and other sea foods.....	72
Dairies and dairy products.....	70
Transportation and utility companies.....	32

Coffees and teas.....	13
Fuel and ice.....	131
Flour and feed.....	28
House furnishings.....	46
Building materials and contractors.....	59
Hospitals and eleemosynary institutions.....	15
Ice manufacturers and cold storage.....	22
Paper, publishing, and stationery.....	20
Junk.....	31
Leather and leather goods.....	9
Miscellaneous establishments.....	67
Total.....	4,764

CLASSIFICATION OF TRANSIENT VENDERS

Following is a condensed classification of hucksters and other transient vendors registered:

Fuel and ice.....	499
Fruits and vegetables.....	494
Miscellaneous farm products.....	306
Junk.....	96
Meats and poultry.....	9
Gasoline and oils.....	17
Miscellaneous commodities.....	159
Total.....	1,580

OFFICIAL VISITS, EXAMINATIONS, AND TESTS

During the year inspectors paid 10,180 official visits to business establishments under supervision. They range from the smallest merchants to the largest department stores and manufacturing plants. There were made 1,620 special or surprise inspections at various times throughout the District. The total number of examinations and tests of equipment and devices, including commercial and prescription scales, weights, capacity measures, mechanical fabric measures, linear measures, gasoline pumps, and other instruments was 639,335. Of this number, 616,169 were found correct and approved, 1,903 were adjusted, 8,802 were condemned, and 14,374 were confiscated and destroyed in accordance with law. A large portion of those destroyed were short-measure milk bottles, which were confiscated before being placed in use. The number also includes 252 yard measures which failed to meet legal specifications, found in dry goods and department stores.

SUMMARY OF EXAMINATIONS AND TESTS

The following statement indicates in condensed form the number of examinations and tests of various types of weighing and measuring equipment made during the year, including those approved, adjusted, condemned, and confiscated.

	Total number examined	Number found correct and approved	Number approved after adjust- ment	Number con- demned	Number con- demned and confis- cated
Spring scales.....	7,241	6,573	681	638	30
Computing scales.....	3,733	3,419	586	308	6
Counter scales.....	4,137	4,005	193	127	5
Counter platform scales.....	477	391	30	26	
Platform scales.....	1,939	1,808	241	131	
Dormant scales.....	133	110	12	23	
Abattoir and beam scales.....	322	285	18	37	
Wagon and truck scales.....	260	218	7	42	
Prescription scales and weights.....	3,529	3,733	41	30	73
Gasoline pumps.....	1,684	1,527		167	
Capacity measures and milk bottles.....	587,463	566,472		7,127	13,804
Avoirdupois weights.....	25,096	24,901	94		195
Linear measures.....	2,277	2,025			252
Person weighing scales.....	644	510		125	
Mechanical linear measures.....	205	186		19	
Miscellaneous.....	5	3		2	
Total.....	639,335	616,169	1,903	8,802	14,374

SPECIAL ATTENTION GIVEN NECESSARIES

It is not practicable to set down in statistical form a detailed statement of all investigational and regulatory work. A very large quantity of such work has been performed, but on account of limited force it has been impossible to devote as close attention as was desired to every line of business.

It was, therefore, deemed advisable to direct special attention to sales of coal, ice, milk, meats, package foods, fruits, vegetables, gasoline, and other necessities, and as much additional attention as possible to other branches of business.

COAL

The high cost of coal for the past several years adds importance to the duty of assuring purchasers the full quantity for which they pay. Deliveries have been reweighed and verified and general supervision has been as effectively performed as possible. The department is not properly equipped, however, to take care of the coal situation. It is without necessary equipment for determining the accuracy of large scales above a very limited capacity. It is believed that a moderate expenditure for proper equipment would effect an enormous saving in this commodity. An unfortunate situation in regard to the distribution of coal to consumers is that many poor people depend upon peddlers for their supply and pay such venders prices which appear almost unconscionable. Some way should be found, if possible, to enable the victims of this system to obtain fuel at prices reasonably proportionate to prices paid by persons who are able to buy in larger quantities. The coal peddler serves no useful purpose. He takes business away from regular dealers and overcharges those to whom he sells. The peddler will continue to operate, however, until established dealers adopt modern and efficient business methods or some other plan of distribution is put into operation. Peddlers have been reluctant about complying with the law which provides that coal shall be sold by weight, but con-

siderably progress has been made in enforcing this provision, and effort will continue to be made to eliminate the old practice of selling by the bushel. Sales by the bushel produce a larger profit and many purchasers are ignorant of their rights. It is not difficult, therefore, to impose upon them.

ICE

There has been no shortage of the supply of ice during the past year, such as the shortages during previous summers, and the law regarding methods of making sales has been observed with greater uniformity than in preceding years. The provision of law requiring venders of ice to ascertain the weight at the time of delivery of each quantity sold has proven very beneficial in preventing short weight. Inspectors have been detailed from time to time to make surveys of conditions in the trade, reweigh deliveries, investigate complaints, and check up on venders in the absence of complaints. There are hundreds of persons engaged in selling ice at retail. The number is especially large during the warm weather, and it has not been possible, of course, to apprehend all violators of the law, but aggressive work has been done and much good accomplished.

MILK

According to the best official estimates on milk consumption, there are sold in the District about 30,000,000 quarts annually. Practically the entire supply is sold in bottles of the capacity of 1 quart or less. At prevailing prices a shortage of only 1 ounce per quart would entail an annual loss to District consumers of about \$120,000, and it would be difficult for a distributor to remain in business against competitors selling short measure. The work of insuring full measure of milk is therefore of great importance. Thousands of bottles have been examined during the year and 13,804 short-measure bottles have been confiscated and destroyed. The bottles confiscated were examined before being placed in use by distributors and sales by short measure were thereby prevented. If circumstances permit this branch of the work will be the subject of more extensive investigation during the coming year for the purpose of rigid enforcement of the law requiring milk distributors to submit their bottles to examination by this department before placing same in use.

PACKAGE FOODS

Products in packages which have been shipped in interstate commerce or packed by local manufacturing establishments usually contain the quantity represented by the printed statements on the packages which are required by both the District and Federal laws, but numerous instances have been found where packages made up by merchants for sale in their own establishments contained less than the quantity represented. The tendency seems to be to reduce the weight of each package by a very small quantity. The authority granted by law for inspectors to reweigh packages kept or exposed for sale has proven effective in preventing sales by short weight in many cases of the type mentioned. By this means it is often pos-

sible to produce in court much stronger evidence than would be the case if it were necessary to depend upon evidence regarding one or a limited number of sales. During the year 8,759 packages of merchandise ready for sale were reweighed in stores throughout the District. Accurate record has been preserved regarding conditions found in each store where weighings were made.

BREAD

So far as weights are concerned, no serious violations of the bread provision of the law have been discovered. Some other provisions have not been observed very well, but the old practice of changing the price by changing the weight without knowledge of consumers has been abolished. The standard weight provision has been enforced without any cost whatever, and has perhaps been of greater benefit than any other portion the law. It enables consumers to know the quantity they receive for the money they pay and benefits bakers by tending to reduce cost of production and prevent unfair competition. The weights permitted by law are $\frac{1}{2}$ pound, 1 pound, $1\frac{1}{2}$ pounds, or multiples of the pound.

Since the passage of the District law three years ago, 11 States have enacted laws of similar import, and there is now pending in Congress, with a favorable committee report, a bill to prohibit shipment in interstate commerce of loaves of other than standard weights. The wisdom and economy of standardization has been thoroughly demonstrated and, while many bakers at first opposed it, a majority of them now favor it.

FRUITS AND VEGETABLES

Many deceptive practices are employed in retail sales of fruits and vegetables. It has been impossible to obliterate all of them. It is difficult for one not informed regarding the "tricks of the trade" to realize the real facts. Many of the unfair practices are of long standing and are not easily reached by law. The amount involved in each transaction is usually small, but the aggregate gain by reason of deceptive methods is evidently very large. One of the most pernicious practices resorted to by certain dealers is that of "stacking" a small quantity of potatoes, peaches, apples, and other commodities of similar size in berry boxes or other small containers and selling them by the box or basket without any statement of the actual quantity. Consumers who buy in this way often pay far more than actual value. If the department were able to keep one or two competent inspectors regularly assigned to the work of enforcing the standard container provisions of the law, many times the expense would be saved to consumers of the District and the business would be placed on a basis far different from that which it now occupies.

GASOLINE

The consumption of gasoline for motor purposes in the District is over 40,000,000 gallons annually. Most of it is retailed in quantities of 5 gallons or a multiple of 5 gallons. An average shortage

of one quart
 in measure on each 5-gallon quantity sold would result in an annual loss to consumers of approximately \$400,000. The desirability of rigid regulation and supervision of sales and of instruments used in measuring quantities sold is apparent. It is not sufficient protection to the public to test the pumps used in making deliveries. In order to know that purchasers receive the quantity for which they pay, it is necessary to conduct investigations of sales and to make certain that proper methods are employed in the business. This is one of the lines of trade in which much carelessness and much disregard of the public has prevailed in the past, but conditions in the District are now much better than formerly.

There are in the District 312 establishments using automatic measuring pumps in retailing gasoline to the public. Many of them employ several pumps. An inspector especially skilled in the work is assigned to the duty of making tests of these instruments before being placed in use and at regular intervals thereafter. Those which fail to conform to the legal specifications regarding construction are condemned and their use in the District permanently prohibited. Those which comply with specifications but which are not properly adjusted are condemned until required adjustments are made. After being approved the owners are required to so maintain them as to deliver accurate measure at all times.

For the purpose of ascertaining whether or not owners of gasoline vending establishments deal fairly with the public, purchases are made from time to time by employees of this department and quantities received carefully verified. While most deliveries have been reasonably accurate, it has been necessary to vigorously prosecute some persons engaged in the business for making short deliveries. In no case has a defendant charged with this offense been acquitted.

TYPES OF EQUIPMENT

The District now has well-defined specifications regarding the construction of weighing and measuring instruments which may be used for commercial purposes. Prior to the adoption of such specifications, shortly after the present law became operative three years ago, much equipment came into use which does not meet present requirements. Equipment of this kind is being eliminated as rapidly as possible. All new equipment must conform to the specifications. That which fails to do so is condemned and its use prohibited. The purpose of definite specifications is to permit the use of only such instruments as will make difficult or impossible the perpetration of fraud. For that reason the department has endeavored to rigidly enforce these regulations.

GENERAL CONDITIONS

Much corrective work has been done by having inspectors advise and instruct persons engaged in trade regarding the elimination of carelessness and inefficiency in connection with transactions with the public. Competent inspectors can render valuable service in this respect and by properly instructing merchants and others engaged in trade can prevent much fraud and many violations of the law. Of course, those who refuse to heed advice and violate the law must be prosecuted.

Some merchants are quite indifferent about maintaining their equipment in proper condition, especially if the improper condition results adversely to purchasers. This spirit of indifference is shown by the percentage of scales and other devices it has been found necessary to condemn on account of being out of order. Of the 20,934 scales tested during the year, it was necessary to make minor adjustments to 8.6 per cent, and 7.3 per cent were found in such condition that condemnation was necessary.

The percentage of adjustments and condemnations of various types of equipment was as follows: Spring scales: Adjusted, 8.5 per cent; condemned, 8 per cent. Counter scales: Adjusted, 4.4 per cent; condemned, 2.9 per cent. Counter platform and platform scales: Adjusted, 9.5 per cent; condemned, 6 per cent. Computing scales: Adjusted, 13 per cent; condemned, 7.1 per cent. Dormant scales: Adjusted, 8.2 per cent; condemned, 15.8 per cent. Abattoir and beam scales: Adjusted, 5.2 per cent; condemned, 10 per cent. Wagon and truck scales: Adjusted, 2.6 per cent; condemned, 15 per cent. Prescription scales: Adjusted, 12.3 per cent; condemned, 8.2 per cent. Personal weighing or penny-in-slot scales: Condemned, 20.7 per cent. Nonmechanical linear measures: Condemned, 11 per cent. Mechanical linear measures: Condemned, 9.2 per cent. Gasoline pumps: Condemned, 9.8 per cent. It was necessary to make some adjustment to more than 50 per cent of gasoline pumps.

The record readily demonstrates the necessity of rigid inspection of weighing and measuring instruments and the importance of properly supervising retail sales to consumers. It is not only important that instruments used for determining the quantities delivered be correct but it is equally important that they shall be used honestly and intelligently, and that all provisions of law enacted for safeguarding the public shall be observed.

Several provisions of the District weights and measures law are similar to Federal laws on the same subjects, and for that reason the department has worked in harmonious cooperation with certain branches of the Federal Government, notably the Bureau of Standards and the Bureau of Chemistry.

THE DISTRICT MARKETS

The Western Market, at Twenty-first and K Streets NW.; the Eastern Market, at Seventh and C Streets SE.; the Fish Wharf and Market, at Eleventh and Water Streets SW.; and the Farmers' Market, situated on the area surrounded by Tenth, Twelfth, B, and Little B Streets NW., are owned by the District, and their operation supervised by this department.

The two first named are inclosed markets, each having inside stands which are rented to dealers in various commodities, and farmers' retail stands on the outside.

The Fish Wharf and Market is confined almost exclusively to wholesale and retail sales of sea foods. Dealers in this market transact a very large volume of business.

The Farmers' Market is used by a large number of farmers and truckers, and is of great benefit to them as well as to residents of the District who go there daily to make purchases of farm produce

directly from the growers. During the fiscal year covered by this report 56,845 vehicle loads of produce were sold on the market.

Following is the number of spaces occupied each month: July, 5,996; August, 7,499; September, 9,125; October, 6,455; November, 4,282; December, 5,133; January, 1,983; February, 1,603; March, 2,117; April 2,937; May, 3,326; June, 6,389.

The total amount of revenue received from the markets during the fiscal year was \$40,434.35. This money has been deposited with the collector of taxes in accordance with law.

PROSECUTIONS

Corrective methods have been pursued when possible to protect the public and abate abuses in that manner. It has been necessary, however, to institute 94 prosecutions, resulting in fines or forfeitures amounting to \$1,095 in 92 cases. Two cases are still pending in court. No defendant in a case prosecuted by this department has been acquitted.

CONCLUSION AND RECOMMENDATIONS

I feel warranted in stating that, considering all the circumstances, the department has performed valuable work during the year and that general conditions have continued to show improvement. The work was seriously hampered at the beginning of the fiscal year by reason of the fact that two motor vehicles used by inspectors had become completely worn out, and these two employees were without means of transportation for about three months at the time most needed. The worn-out machines were not replaced until the 1st of October.

It is not possible to perform all the work required by law with the present number of inspectors, and it is recommended that steps be taken to secure additional force. Men especially qualified in business methods and in certain other branches of the work are very much needed, but persons possessing such qualifications can not be obtained at the present rate of compensation for inspectors. Much praise is due the present force of employees for faithful service, which has been rendered under conditions which were sometimes trying, and the hope is expressed that ultimately a rate of compensation which is adequate for the service demanded may be established throughout the department. Congress has enacted for the people of the District a weights and measures law which can be made extremely beneficial, and it is obviously in the public interest to maintain a force of adequately paid and well-qualified employees to carry out its provisions.

As indicated elsewhere in this report the department is in serious need of equipment for testing large scales used by coal dealers and other persons selling bulky commodities. It is recommended that such equipment be procured at the earliest time practicable. The importance of being able to know that the weights of coal delivered to consumers are correct can not be stressed too much. Very small discrepancies in deliveries of this commodity soon mount into an appalling sum of money.

It is recommended that steps be taken to secure legislation authorizing more rigid regulation than is now permitted of hucksters, peddlers, pushcart men, and other transient venders. No person should be permitted to transact business with the public under such conditions as to make it practically impossible to call him to account for fraud perpetrated upon his customers.

I wish also to renew my previous recommendation for the enactment of a law requiring the owner or owners of every business operated under a corporate, trade, or fictitious name to register with the proper official of the District the correct name and address of the owner of such business.



ANNUAL REPORT OF THE COMMISSIONERS OF THE DISTRICT OF COLUMBIA

FISCAL YEAR ENDED JUNE 30, 1924

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